



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 10, 1996

Mr. William H. Bingham  
McGinnis, Lochridge & Kilgore, L.L.P.  
1300 Capitol Center  
919 Congress Avenue  
Austin, Texas 78701

OR96-2346

Dear Mr. Bingham:

On behalf of the Round Rock Independent School District (the "school district"), you ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103328.

The school district received a request for the names, addresses, and phone numbers of all Hispanic students in the school district with a grade point average of 3.2 or higher. You maintain that the responsive information may be excepted from required public disclosure pursuant to the federal Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g. You have not submitted any responsive information for our review.

In Open Records Decision No. 634 (1995), this office concluded that

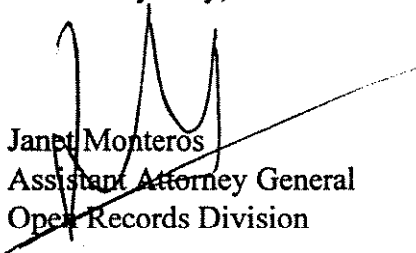
[a]n educational agency or institution may withhold from public disclosure personally identifiable nondirectory information in "education records" as defined in the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, which information is excepted from required public disclosure by Government Code section 552.026, without the necessity of requesting an attorney general decision as to that exception. Furthermore, an educational agency or institution may withhold from public disclosure information that is protected by FERPA and excepted from required public disclosure by Government Code section 552.101 as

"information considered to be confidential by law," without the necessity of requesting an attorney general decision as to that exception. Finally, an educational agency or institution that is also state-funded may withhold from public disclosure information that is excepted from required public disclosure by Government Code section 552.114 as a "student record," insofar as the "student record" is protected by FERPA, without the necessity of requesting an attorney general decision as to that exception.

Open Records Decision No. 634 (1995) at 10. As you have determined that the requested information is protected by FERPA, you must withhold this information from the requestor.<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet Monteros  
Assistant Attorney General  
Open Records Division

JIM/rho

Ref.: ID# 103328

cc: Mr. Joe R. Madrigal  
Vice-President  
Austin Capital Area Community Leadership Council  
3267 Bee Caves Road, Suite 107-371  
Austin, Texas 78746

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<sup>1</sup>We note your contention that race, ethnic origin, and grade point average is not "directory information" under FERPA and, therefore, may not be released. We do not rule on this issue. For further guidance on the release of this information, the school district may contact the Family Policy Compliance Office, United States Department of Education, 600 Independence Avenue S.W., Washington, D.C. 20202-4605, (202) 260-3887.